

### Remarks

Claims 1-26 are pending in the application.

In an Office Action mailed March 17, 2008, the Examiner objected to claims 1-26 because of informalities, rejected claims 2, 5, 7, 11, 14, 16, 20, 22, and 24 under 35 U.S.C. §112, and rejected claims 1-26 under 35 U.S.C. §102(e) as being anticipated by *Liu* U.S. Pub. No. 2005/0015455.

### Objections due to informalities

On page 2, in paragraph 4, the Examiner objected that “[t]he use of mail and e-mail is inconsistent in the claims.” Applicant is amending the claims and “e-mail message” is now recited instead of “mail” or “e-mail.”

On page 2, in paragraph 5, the Examiner made several objections. The Examiner objected that with the recitation of “a mail from address” in Claim 2(f) “[i]t is not clear whose address the claim is referring to. Furthermore, there is no antecedent basis for the limitation.” Applicant is amending Claims 2, 11, and 20 to recite “MAIL FROM” instead of “mail from.” The usage of “MAIL FROM” is now consistent with the specification (*See* paragraphs [0023], [0024], and [0052]) which teaches the MAIL FROM command, which is well known in the art. The Examiner also objected to “claim 2, a) reciting ‘a sender’ while c) reciting ‘the sender’.” Applicant is amending claims 2, 11, and 20 to recite “an apparent sender” and “the apparent sender” instead of “a sender” and “the sender” respectively, thereby clarifying to which sender the claim is referring.

On page 2, in paragraph 6, the Examiner objected to using abbreviations for terms “such as ‘IP’, [and] ‘DNS’”. Such terms have to be spelled out in the claims.” Applicant is amending the claims as suggested and all abbreviated terms are being spelled out.

Applicant therefore requests the Examiner withdraw the objections due to informalities.

### Rejections under 35 U.S.C. §112

On page 2, in paragraph 9, the Examiner rejected claims 2, 5, 7, 11, 14, 16, 20, 22, and 24 under 35 U.S.C. §112, second paragraph.

On page 3, in paragraph 10, the Examiner stated “[c]laims 2, 11 and 20 recite ‘sendmail,’ ‘final IP address,’ ‘final domain name.’ It is unclear what these terms mean.” In response, Applicant is amending “sendmail” to recite “Sendmail®” in claims 2, 11, and 20. Sendmail®, written by Eric Allman and owned by Sendmail Inc., is a mail transfer agent that is well known in the art. (See <http://www.computer-dictionary-online.org/index.asp?q=sendmail>.) Applicant is amending all instances of “IP” to recite “Internet Protocol” in all the claims, thus the term “final IP address” is now recited as “final Internet Protocol address.” Conversely, the specification is being amended to introduce the abbreviation “IP” for “Internet Protocol.” The terms “final Internet Protocol address” and “final domain name” are defined in paragraph [0026] of the Detailed Description as follows

final domain name (the domain name corresponding to the IP address of the server which handed the e-mail message off to the recipient's trusted infrastructure) . . .  
final IP address (the IP address of the server which handed the e-mail message off to a recipient's trusted infrastructure (for instance, the recipient's mail server or a server associated with a recipient's forwarder or e-mail alias))

On page 3 in paragraph 11, the Examiner stated “[c]laims 5, 14, 22 and 7, 16, 24 recited ‘whitelist/blacklist.’ It is unclear what the symbol ‘/’ means.” In response, Applicant is amending claims 5, 14, 22 and 7, 16, 24 to recite “whitelist or blacklist” instead of “whitelist/blacklist.”

Applicant is making the required corrections to the claims and also making amendments to the specification, clearly pointing out and distinctly claiming the subject matter. Applicant therefore requests that the Examiner withdraw the rejection of claims 2, 5, 7, 11, 14, 16, 20, 22, and 24 under 35 U.S.C. §112.

Rejections under 35 U.S.C. §102(e)

On page 3 the Examiner rejected claims 1-26 as being unpatentable over U.S. Patent Application 2005/0015455 to Liu ("*Liu*"). The Examiner stated identical rationales for independent claims 1 and 19 in paragraphs 15 and 25 respectively and, regarding independent claim 10 in paragraph 24, stated "[c]laims 10-18 are rejected for the same rationale given in claims 1-9 respectively."

Regarding independent claims 1, 10, and 19 in paragraphs 15, 25, and 24 respectively, the Examiner stated that *Liu* discloses "origin-identifying information including at least one of the following . . . an ***actual sender*** . . . a ***final IP address*** . . . a ***final domain name*** . . . a ***normalized reverse DNS lookup of the final IP address*** or . . . an ***IP path used to send the message***" and the use of statistics to categorize "whether the received message is ***solicited or unsolicited***." (Emphasis added.) Regarding independent claims 1 and 10 the Examiner also stated that *Liu* discloses "***processing*** the received message ***based on its categorization***." (Emphasis added.) Applicant respectfully traverses.

In order to anticipate a claim, a reference must teach all elements of a claim. *See Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987). In addition, the reference must show the claimed invention "in as complete detail as is contained in the patent claim." *Richardson v. Suzuki Motor Co., Ltd.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). *See id.* Applicant will show that the cited reference fails to teach all elements of Applicant's currently amended independent claims 1, 10, and 19. Therefore, the claims are not anticipated and thus are novel.

Applicant's currently amended independent claims 1, 10, and 19 recite, *inter alia*, "origin-identifying information including at least one of the following . . . an ***actual sender*** of the received e-mail message." (Emphasis added.) In addition, Applicant's currently amended dependent claims 2, 11, and 20 specify the ***actual sender*** by reciting *inter alia*, wherein "the ***actual sender*** is identified by

combining at least two of the following . . . an *e-mail address used by an apparent sender*.” (Emphasis added.)

In contrast, *Liu* teaches, “Check if Sender email address format is correct.” (See *Liu*, Fig. 2, Step 201.). *Liu* is merely teaching verification of whether the *format* of the sender’s e-mail address is correct, not identifying the actual sender as Applicant claims. Applicant claims using the e-mail address of the apparent sender as one of many criteria that may be used to determine the *actual sender*. *Liu* does not differentiate between an *actual sender* and an *apparent sender*, where information about the apparent sender is a subset of the information that may be used to determine the actual sender. Therefore, *Liu* does not teach all elements of Applicant’s independent claims 1, 10, and 19.

Further, Applicant’s currently amended independent claims 1, 10, and 19 recite, *inter alia*, “origin-identifying information including at least one of the following . . . a *final Internet Protocol address*” where as explained above “a final Internet Protocol address” is “(the IP address of the server which handed the e-mail message off to a recipient’s trusted infrastructure (for instance, the recipient’s mail server or a server associated with a recipient’s forwarder or e-mail alias))” (Emphasis added.) In contrast *Liu* does not teach usage of “a final Internet Protocol address.” In fact, *Liu* is silent regarding “a final Internet Protocol address.” Since *Liu* does not teach “a final Internet Protocol address” *Liu* does not teach all elements of Applicants amended independent claims 1, 10, and 19.

Further, Applicant’s currently amended independent claims 1, 10, and 19 recite, *inter alia*, “origin-identifying information including at least one of the following . . . a *final domain name*,” which as noted above, is defined in paragraph [0026] of the specification as “the domain name corresponding to the IP address of the server which handed the e-mail message off to the recipient’s trusted infrastructure.” In contrast, *Liu* only teaches usage of “the domain of sender’s email address” (See *Liu* at paragraph [0063]) and does not distinguish among the many domain names that may be found in an Internet Protocol path used to route a received e-mail message. “Final domain name” does not appear anywhere in *Liu*. Since *Liu* does not teach “a

final domain name,” *Liu*, once again, does not teach all elements of Applicant’s independent claims 1, 10, and 19.

Further, Applicant’s currently amended independent claims 1, 10, and 19 recite, *inter alia*, “origin-identifying information including at least one of the following . . . a **normalized reverse Domain Name Service lookup** of the final Internet Protocol address.” (Emphasis added.) In contrast, *Liu* teaches “[a] domain name lookup can be conducted.” (See *Liu* at Paragraph [0063].) As is known in the art, a domain name lookup translates a domain name (typically containing alphabetic characters) to an Internet Protocol address (containing only numeric characters), while a **reverse** domain name lookup translates an Internet Protocol address to a domain name. *Liu* teaches the opposite of the recitation found in Applicant’s independent claims. In addition, *Liu* does not teach normalization. Since *Liu* teaches the opposite of Applicant’s recitation of “reverse Domain Name Service lookup” and is silent regarding normalization, *Liu* once again does not teach all elements of Applicant’s independent claims 1, 10, and 19.

Further, Applicant’s currently amended independent claims 1, 10, and 19 recite, *inter alia*, “origin-identifying information including at least one of the following . . . the **Internet Protocol path** used to route the received e-mail message.” (Emphasis added.) In contrast, *Liu* is silent regarding “the Internet Protocol path” and in fact, the word “path” does not appear anywhere in *Liu*. Since *Liu* does not teach the use of “the Internet Protocol path,” *Liu* again does not teach all elements of Applicants independent claims 1, 10, and 19.

Further, Applicant’s currently amended independent claims 1, 10, and 19 recite, *inter alia*, using statistics to categorize “whether the received e-mail message is **solicited or unsolicited**.” (Emphasis added.) *Liu*, in contrast, does not teach categorizing e-mail messages as “solicited or unsolicited.” Since distinguishing e-mail messages as “solicited or unsolicited” does not appear in *Liu*, *Liu* once again does not teach all elements of Applicant’s independent claims 1, 10, and 19.

Further, Applicant’s currently amended independent claims 1 and 10, recite, *inter alia*, “**processing the received e-mail message based on its categorization**.”

Since Applicant's categorization is based on "whether the received e-mail message is solicited or unsolicited" and "processing the received e-mail message [is] based on its categorization," Applicant's processing of the received e-mail message is based on whether the e-mail message is solicited or unsolicited. Since *Liu* has been shown to be silent regarding whether the e-mail message is solicited or unsolicited, *Liu* does not teach "processing the received e-mail message based on its categorization" as recited in Applicant's independent claims 1 and 10. Therefore, *Liu* once again does not teach all elements of Applicant's independent claims 1 and 10.

In summary, Applicant has shown that *Liu* does not teach Applicant's currently amended independent claim 1, 10, and 19 elements relating to 1) an actual sender, 2) a final IP address, 3) a final domain name, 4) a normalized reverse DNS lookup of the final IP address, 5) an IP path used to send the message, 6) the use of statistics to categorize whether the received message is solicited or unsolicited, and 7) processing the received message based on its categorization. *Liu* therefore cannot and does not anticipate Applicant's currently amended independent claims 1, 10, and 19, and thus the claims are allowable. Therefore, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1, 10, and 19 under 35 U.S.C. §102(e). Moreover, since claims 2-9, 11-18, and 20-26 depend from claims 1, 10, and 19 respectively, they too are allowable for at least the same reasons. Further, each of the dependent claims 2-9, 11-18, and 20-26 is also patentable for its own limitations and/or features.

## Conclusion

Applicant is amending the specification to better reflect terminology in the claims. Applicant is amending claims 1-26 to remove the informalities to which the Examiner objected and to clarify the claims. Applicant has shown that currently amended independent claims 1, 10, and 19 are not anticipated by the cited reference. Moreover, since claims 2-9, 11-18, and 20-26 depend either directly or indirectly from claims 1, 10, and 19 respectively, they too are allowable for at least the same reasons. Applicant respectfully requests Reconsideration and a Notice of Allowance.

Applicant invites the Examiner to contact the undersigned with any comments or questions at 408-297-9733 between 9:00 AM and 5:00 PM PST.

### CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) on the date shown below.

Signed:   
Typed Name: Sally Azevedo

Date: July 17, 2008

Respectfully submitted,



Eppa Hite

Reg. No. 30,266

Schneck & Schneck

P.O. Box 2-E

San Jose, CA 95109-0005

(408) 297-9733